

Notice of Allowability

Application No.

09/857,218

Examiner

Carl Colin

Applicant(s)

ISHIGURO ET AL.

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2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 1/25/2007 and e-mail received on 4/13/2007.
2. ☒ The allowed claim(s) is/are 11-20,39-44 and 50.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070412
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

NASSER MOAZZAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

4/13/07

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an e-mail and phone conversation with Andrew T. Harry on April 13, 2007.

The application has been amended as follows:

Amend the following **claims 11, 13, 22-29, 38, 39, and 50**:

Claim 11 (Currently Amended): A method for furnishing key data to a data processing apparatus, comprising:

receiving first key data at said data processing apparatus on which a contents reproducing program is installed;

using said first key data to copy first contents data stored originally in a compact disc for storage in said data processing apparatus, and using said first key data to perform authentication between said data processing apparatus and a portable reproducing apparatus connected to said data processing apparatus before transmitting/receiving said first contents data between said data processing apparatus and said portable reproducing apparatus;

receiving second key data at said data processing apparatus, said second key data different from said first key data; and

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using said second key data to download the second contents data furnished from said contents server for storage in said data processing apparatus, said second key data also being used to perform authentication between said data processing apparatus and said portable reproducing apparatus before transmitting/receiving said second contents data between said data processing apparatus and said portable reproducing apparatus, wherein

the said portable reproducing apparatus holds the first to i th key data updated in generation from the first generation to the i th generation, where i is an integer not smaller than 2,
and

said portable reproducing apparatus and the contents reproducing program performs authentication using an authentication key of the same generation.

Claim 13 (Currently Amended): The method for furnishing key data according to Claim 11 ~~wherein the said portable reproducing apparatus holds the first to i th key data updated in generation from the first generation to the i th generation, where i is an integer not smaller than 2; and wherein~~

second to i th key data, updated in generation from the second to the i th generation, where i is an integer not smaller than 2, are furnished to said contents reproducing program over a network; ~~whereby~~

~~said portable reproducing apparatus and the contents reproducing program performs authentication using an authentication key of the same generation.~~

Claims 22-29 (Cancelled).

Claim 38 (Cancelled).

Claim 39 (Currently Amended): A portable reproducing apparatus connected to a data processing apparatus having a contents reproducing program for reproducing contents data, in which contents data furnished from said data processing apparatus is stored in a recording medium for reproduction, wherein

inherent ID information and key data of plural generations are stored in the recording medium of the portable reproducing apparatus from the outset;

first key data supplied to said contents reproducing program in said data processing apparatus and used for storing the contents data furnished from a compact disc connected to said data processing apparatus is used by said portable reproducing apparatus to perform authentication with said data processing apparatus in acquiring contents data stored in said compact disc connected to said data processing apparatus;

and wherein

when said contents reproducing program performs transmission/reception of contents data distributed from ~~the~~ a contents server, second key data different from said first key data is furnished to said data processing apparatus over a network;

key data of the same generation as the second key data furnished being used by said portable reproducing apparatus to perform authentication with said data processing apparatus in acquiring the contents data furnished from said contents server to receive said contents data from said data processing apparatus, wherein

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said portable reproducing apparatus and the contents reproducing program performs authentication using an authentication key of the same generation.

Claim 50 (Currently Amended): A recording medium connected to a data processing apparatus having a contents reproducing program for reproducing contents data, in which the recording medium has stored therein a program executed by a portable reproducing apparatus adapted for storing and reproducing contents data furnished by said data processing apparatus, wherein

inherent ID information and key data of plural generations are stored in said portable reproducing apparatus from the outset ~~and key data of plural generations are used~~; and wherein

the recording medium has stored therein a program for permitting said portable reproducing apparatus in such a manner that

key data of the same generation as first key data supplied to said contents reproducing program in said data processing apparatus and used for storing the contents data in said data processing apparatus furnished from a compact disc connected to said data processing apparatus is used to perform authentication with said data processing apparatus in acquiring contents data stored in said compact disc connected to said data processing apparatus to receive contents data stored in said compact disc;

and wherein

when said contents reproducing program performs transmission/reception of contents data distributed from ~~the~~ a contents server, second key data different from said first key data is furnished to said data processing apparatus over a network;

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key data of the same generation as the second key data furnished being used by said portable reproducing apparatus to perform authentication with said data processing apparatus in acquiring the contents data furnished from said contents server to receive said contents data from said data processing apparatus.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/2006 has been entered.

Response to Arguments

3. In communications filed on 12/14/2006, applicant has amended claims 11 and 22 and cancelled claims 51-52. A personal interview has been conducted between the Examiner and Applicant's Representative Andrew T. Harry on 4/12/2007 and further amendments have been made to the claims by Examiner's amendment as authorized by Applicant's Representative on 4/13/2007 following a phone conversation: some of the limitations of claim 13 have been incorporated into claim 11, independent claims 11, 39, and 50 have been further amended to more particularly point out applicant's invention and claims 22-29 and 38 have been cancelled as shown above. The following claims 11-20, 39-44, and 50 are pending.

Applicant's arguments, see pages 11-12, filed on 12/14/2006, with respect to 35 U.S.C. 112, second paragraph rejection have been fully considered and are persuasive as amended. The 35 U.S.C. 112, second paragraph rejection of claims 11, 51, and 52 has been withdrawn.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: the prior art of record 6,550,008 to Zhang et al teaches a method of protecting information communicating between a first and a second device which includes generating a request to a third device including information identifying the first and second devices. The third device verifies the first and second devices based on the information in the request. Predetermined information is sent to at least one of the first and second devices and the first and second devices authenticate each other based on the predetermined information. The prior arts of record Zhang et al, Sims III, and Yagawa et al either alone or in combination fail to teach plurality of key generations stored by the portable device and used to perform authentication with the data processing apparatus using an authentication key of the same generation as recited below in the claims. The prior arts of record Zhang et al, Sims III, and Yagawa et al either alone or in combination fail to teach *"receiving first key data at said data processing apparatus on which a contents reproducing program is installed; using said first key data to copy first contents data stored originally in a compact disc for storage in said data processing apparatus, and using said first key data to perform authentication between said data processing apparatus and a portable reproducing apparatus connected to said data processing apparatus before transmitting/receiving said first*

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contents data between said data processing apparatus and said portable reproducing apparatus; receiving second key data at said data processing apparatus, said second key data different from said first key data; and using said second key data to download the second contents data furnished from said contents server for storage in said data processing apparatus, said second key data also being used to perform authentication between said data processing apparatus and said portable reproducing apparatus before transmitting/receiving said second contents data between said data processing apparatus and said portable reproducing apparatus, wherein the said portable reproducing apparatus holds the first to i th key data updated in generation from the first generation to the i th generation, where i is an integer not smaller than 2, and said portable reproducing apparatus and the contents reproducing program performs authentication using an authentication key of the same generation” as recited in claim 1. Consequently, claim 1 is allowable over the prior art of record.

The prior arts of record Zhang et al, Sims III, and Yagawa et al either alone or in combination fail to teach “*inherent ID information and key data of plural generations are stored in the recording medium of the portable reproducing apparatus from the outset; first key data supplied to said contents reproducing program in said data processing apparatus and used for storing the contents data furnished from a compact disc connected to said data processing apparatus is used by said portable reproducing apparatus to perform authentication with said data processing apparatus in acquiring contents data stored in said compact disc connected to said data processing apparatus; and wherein when said contents reproducing program performs transmission/reception of contents data distributed from a contents server, second key data different from said first key data is furnished to said data processing apparatus over a network;*

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key data of the same generation as the second key data furnished being used by said portable reproducing apparatus to perform authentication with said data processing apparatus in acquiring the contents data furnished from said contents server to receive said contents data from said data processing apparatus, wherein said portable reproducing apparatus and the contents reproducing program performs authentication using an authentication key of the same generation” as recited in claim 39. Claim 50 recites similar limitations as claim 39.

Consequently, claims 39 and 50 are allowable over the prior arts of record. Dependent claims 12-20 and 40-44 are directly or indirectly dependent upon claims 11 and 39 and therefore are allowable over the prior arts of record.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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Patent Examiner
April 13, 2007

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4,13,07